

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE T. AYERS, III,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. 10-5777 RJB-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF #19). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This court recommends that on remand the administrative law judge (ALJ) will offer Plaintiff the opportunity for a new hearing and will issue a new decision; if possible, the ALJ will obtain Plaintiff's medical records from Dr. Radspinner and Dr. Vigeland; the ALJ will further consider the nontreating source opinion of Dr. White-Chu (T. 475-479); the ALJ will further consider the assessment of Dr. Radspinner (Tr. 574); the ALJ will further consider Plaintiff's subjective complaints; the ALJ will further consider Plaintiff's residual functional capacity, including the effects of Plaintiff's obesity, if any; and, if warranted by the expanded

1 record, the ALJ will obtain evidence from a vocational expert to clarify the effect of the assessed
2 limitations on Plaintiff's occupational base.

3 Given the fact of the parties' stipulation, the Court recommends that the District Judge
4 immediately approve this Report and Recommendation and order the case **REVERSED** and
5 **REMANDED**. A proposed order accompanies this Report and Recommendation.
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7 DATED this 22nd day of June, 2011.

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10 Karen L. Strombom
United States Magistrate Judge
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